

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

WESTERN ZONE BENCH, PUNE

Original Application No.44/2024(WZ)

[Earlier Letter Petition No.14/2024(WZ)]

ARUN GENBHAU AMBEKAR & Anr. Applicant

VS

GOEL GANGA INDIA PVT LTD & Ors.

..... Respondents

Report on behalf of Pune Municipal Corporation (PMC)

Vide Order dated 19th February, 2024 Hon'ble Tribunal was pleased to direct the PMC to verify the facts of the complaint and after visiting the spot, a report be filed before this Hon'ble Tribunal. This report is being filed in compliance with the said order.

1. Grievance of the Applicant i.e. Mr. Arun Genbhau Ambekar and Mr. Popat Genbhau Ambekar is that they are alleged that they have given their property bearing S.No. 16/9 Mauje Undri, Tal- Haveli, Dist. Pune to M/s. Goel Ganga India Pvt. Ltd. for development and they have artificially change the flow of stream/channel of the same

to the Applicants land which would result in inundation of Applicants land and its surrounding area and this act has been done without permission from PMC.

2. As per Rule 13.2(B) of the Development Control Rules of 2017 for Pune Municipal Corporation: -

“.....where a minor water course passes through a low lying land without any well defined banks, the owner of the property may be permitted by the Municipal Commissioner to restrict and or to realign the same within the same land according to cross section available with the corporation modified from time to time without changing the position of the inlet and outlet of the water course.....”.

3. Applicant and Respondent had entered into a Development Agreement and has also executed a Power of Attorney for the Development of the said property. Respondent M/s. Goel Ganga India Pvt. Ltd. had applied to realign the nalla in the property situated at S. No. 16 (part) 17 (part) Undri, Pune under Rule 13.2 B of DC Rules. Pune Municipal Commissioner granted the permission for the same on 10/11/2020 ensuring that

the position of inlet and outlet of the water course is not changed.

Hereto marked and annexed as **Annexure A** is the copy of permission granted by Municipal Commissioner dated 10/11/2020.

4. Applicant filed a Complaint on 08/02/2024 in the office of Drainage Department, PMC in relation to diversion of nalla. On 29/02/2024 a Joint Inspection was done by PMC Officers along with the Applicants. During the site inspection it was revealed that the work of diversion of nalla was in process as per the permission dated 10/11/2020. The Applicant was also informed about the same.

5. Therefore, it is submitted that the work which is in progress at the site is as per the permission granted by the Municipal Commissioner vide its letter dated 10/11/2020.

Pune
Date: 03/04/2024


Advocate for PMC


Executive Engineer
Building Permission Department, Zone No. 1
Pune Municipal Corporation
Pune Municipal Corporation



LAYOUT FOR SHIFTING OF STORM WATER LINE

01
01



पुणे महानगरपालिका
शिवाजी नगर, पुणे- ०५
महापालिका आयुक्त कार्यालय
जा.क्र.- *mc/sec/13.1(B)/366*
दिनांक - 10 NOV 2020

कार्यालयीन आदेश

पुणे शहर (११ गावांपैकी) मॅजूर प्रादेशिक आराखडा (सेक्टर जी) मधील पेट उंड्री स.नं. १७ या मिल्कतमध्ये प्रायमूळ नकाशानुसारचा नाला याचा विकास नियंत्रण नियमावली (२०१७) मधील नियम क्र. १३.१ (ब) नुसार स्थलांतर प्रस्तावित असून ते खालील तक्यात नमूद अद्याक्षराने सोबतच्या नकाशात दर्शविलेले आहे.

अ.क्र.	प्रस्ताव दर्शविले	सोबतच्या नकाशात खालील अद्याक्षरानी दर्शविले आहे.
१	प्रायमूळ नकाशानुसारचा नाला	अ- बी- सी- डी- ई

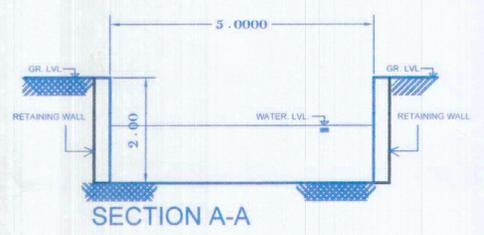
प्रायमूळ नकाशानुसारचा नाला हा अ-बी-सी-डी-ई हया आद्याक्षराने प्रस्तावित असून सदरच्या नाल्या मुळे मिल्कत सुयोग्य पध्दतीने विकसित करण्यास अडचण निर्माण होत असल्याने तसेच सदरच्या नाल्याचा सुरवातीचा व शेवटचा पाईट कायम ठेवून अंतर्गत आद्याक्षरामध्ये बदल केलेले आहेत. सदरचा प्रायमूळ नकाशानुसार या नाल्याचे स्थलांतरण सोबतच्या नकाशात खालील अद्याक्षराने दर्शविलेले आहे. त्यामुळे मिल्कत सुयोग्य पध्दतीने विकसित होऊ शकेल.

अ.क्र.	प्रस्तावित स्थलांतर दर्शविले	सोबतच्या नकाशात खालील अद्याक्षरानी दर्शविले आहे.
१	प्रस्तावित बदलानुसारचा नाला	अ-क्यू- आर- एस- टी- यु- ई

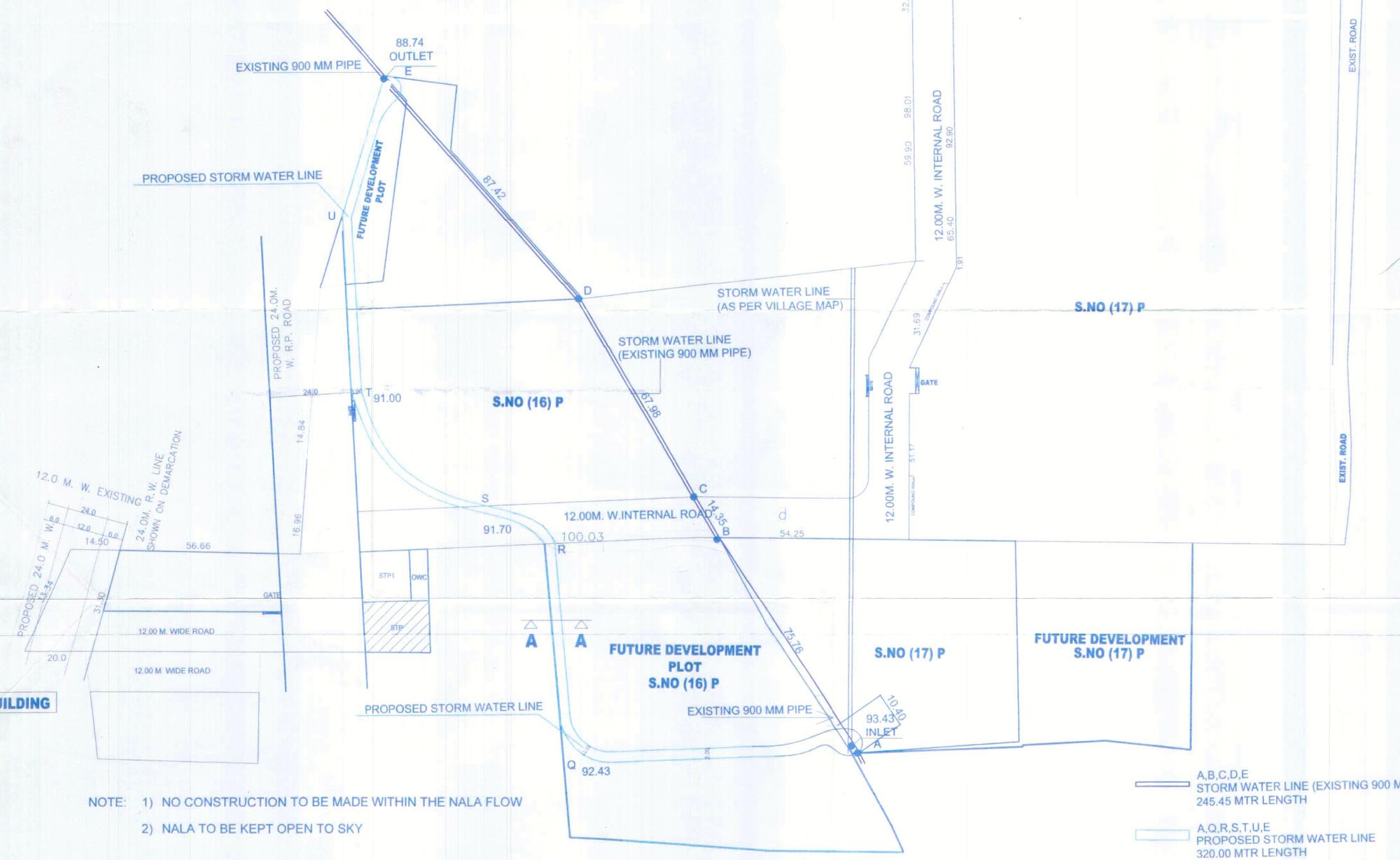
महापालिका आयुक्त
पुणे महानगरपालिका



LOCATION PLAN (R.P.)



SECTION A-A



LAY-OUT OF BUILDING
SCALE=1/750

NORTH :



NOTE: 1) NO CONSTRUCTION TO BE MADE WITHIN THE NALA FLOW
2) NALA TO BE KEPT OPEN TO SKY

A,B,C,D,E
STORM WATER LINE (EXISTING 900 MM PIPE)
245.45 MTR LENGTH
A,Q,R,S,T,U
PROPOSED STORM WATER LINE
320.00 MTR LENGTH

PROJECT:	
MODIFIED ALIGNMENT OF MINOR NALA (STORM WATER) UNDER DEVELOPMENT CONTROL AND PROMOTION REGULATION FOR P.M.C. (2017) PROVISION NO. 13.1 AT S.NO. 16/1B/1, 16/1B/2, 16/1B/3 + 16/2 + 16/2 + 16/4A + 16/4B + 16/4C + 16/5 + 16/8 + 17/2A/1 + 17/2A/2 + 17/2A/3 + 17/2A/4 + 17/3A + 17/3B + 17/2 + 4 + 17/5 (P) + 17/6 (P) + 17/7A/10 + 17/8A/10 + 17/1 + 10A/1 AT UNDRI, PUNE.	
NOTE 1:- THIS DRAWING IS BASED ON INFORMATION & DOCUMENTS PROVIDED BY OWNER/P.A. ARCHITECT WILL NOT BE RESPONSIBLE FOR ANY DISPUTE DIFFERENCES OR ANY LEGALITY OF THE OWNERSHIPS.	
NOTE 2:- THIS DRAWING IS COPYRIGHT OF "SPACE DESIGNERS' SYNDICATE" & THIS DRAWING SHOULD NOT BE COPIED OR USED WITHOUT PRIOR PERMISSION OF ARCHITECT.	
NAME OF OWNER / DEVELOPER :	
ATUL JAPRAKASH GOEL	SIGNATURE
NAME OF ARCHITECT :	
SHAIKH ZUBER RASHID (CA/83/7569)	SIGNATURE
ARCHITECTS	SPACE DESIGNERS' SYNDICATE
MEGAMACT, TRUST FLOOR, 13, SOLARIS LOCAL, OFF EAST STREET, PUNE - 411001 PHONE : 2628540, 2628244, FAX : 020-2628241	
REV.NO	0
NORTH : PROJECT : GANGA CHITZ.	
CLIENT :	MIS. GOEL GANGA INDIA PVT. LTD.
DATE :	19.10.2020
SCALE :	1:NTS
BUILDING INDEX :	POTENTIAL MD
PATH :	
RELEASED FOR	JOB NO
PD	10740
MD	
WD	
TENDER	